



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED, IN WHOLE
OR IN PART, UPON INVESTMENT IN
THE 3685 SAN FERNANDO ROAD
PARTNERS LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “First Omnibus Objection of USACM Trust to
2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the 3685 San Fernando
3 Road Partners Loan” [Docket No. 7244] (the “Objection”); with appropriate notice of the
4 Objection having been given; with no response to the Objection having been filed; and
5 good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The claims listed in **Exhibit A** are disallowed to the extent those
9 claims are based upon a Direct Lender investment in the San
10 Fernando Loan; and
- 11 3. Nothing in this order should prejudice the rights of USACM Trust to
12 file further objections to any portion of the claims listed on **Exhibit**
13 **A**.

14
15 PREPARED AND RESPECTFULLY SUBMITTED BY:

16 **LEWIS AND ROCA LLP**

17 By /s/ Marvin Ruth (#10979)

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19 John Hinderaker

20 Marvin Ruth

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25 *Attorneys for USACM Liquidating Trust*
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 3685 San Fernando Road Partners
10725-02018	Evelyn G Canepa Trust Dtd 9/19/00	C/O Laurel E Davis Lionel Sawyer & Collins 300 South Fourth St Ste 1 Las Vegas, NV 89101	-	100,000.00
10725-00413	Sobesky, Stephen	1118 Olmo Boulder City, NV 89005	70,000.00	unknown
10725-01660	Robert J. And Ruth Ann Kehl	Janet L Chubb Esq Jones Vargas Po Box 281 Reno, NV 89504-0281	12,841,680.13	500,000.00
10725-01257	Houghton Dental Corp PSP	FBO Geraldine Houghton 2871 Pinta Perris, CA 92571	400,000.00	200,000.00
10725-00227	Charles & Sandra Masters Family Trust Dtd 10/9/92	C/O Sandra O Masters Trustee 18124 Wedge Pkwy #550 Reno, NV 89511-8134	425,000.00	125,000.00
10725-01898	Massry, Morris	C/O Segel Goldman Mazzotta & Siegel Pc 9 Washington Sq Albany Ny 12205	1,802,040.00	101,527.78
10725-02042	Herd Family Trust Dtd 4/23/99	C/O Allen & Marilyn Herd Ttees 598 Alawa Pl Angels Camp, CA 95222-9768	606,089.02	200,000.00
10725-01997	Kim Trust	C/O Aimee E Kearns Trustee 5886 N Bonita Vista St Las Vegas, NV 89149-3911	1,535,080.92	190,000.00